

REMARKS

This application has been reviewed in light of the Office Action dated August 15, 2007. Claims 15-20, 22-23 and 25 are pending in the application. Claims 1-14, 21, 24 and 26-44 have been cancelled without prejudice. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action:

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable as obvious over U.S. Patent No. 6,401,624 to Nijenhuis et al. (hereinafter Nijenhuis) in view of U.S. Patent No. 5,743,191 to Coslovi (hereinafter Coslovi);

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of U.S. Patent No. 4,224,880 to Hogue (hereinafter Hogue);

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of U.S. Patent No. 1,980,329 to Farmer (hereinafter Farmer);

Claims 7 and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of U.S. Patent No. 2,190,708 to Fowler (hereinafter Fowler); and

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of U.S. Patent No. 701,469 to Coath (hereinafter Coath).

In view of the Final rejection, although claims 1-4, 6-8, 10-11 and 13 are believed to be allowable, these claims have been cancelled without prejudice to focus the issues and further prosecution in this case.

By the Office Action, claims 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of Coath.

As stated in the previous response, Nijenhuis is directed to a loading and unloading mechanism configured to raise or lower a level of a train wagon in accordance with loading and unloading operations. The adjustment of the train wagon is to compensate for the suspension system of the train wagon, and the difficulties caused thereby during the loading and unloading operations. The configurations of Nijenhuis disclose pneumatic cylinders 17 or hydraulic pistons 100 configured to lift the train wagon for loading/unloading the train wagon.

The hydraulic pistons 100 are located under the tracks of the system, and are not part of the train car or trolley. Pistons 100 are part of the permanent structure of the station. The only time that the train cars can be pivoted by the system of Nijenhuis is when the train car is at the station where loading takes place. The embodiment with the hydraulic cylinders does not teach or suggest a portable platform which is self-supporting and independent from the permanent platform for maintaining the same level.

The system of Nijenhuis also includes an embodiment which employs the suspension system 17 of the train wagon. This embodiment relies on the amount of travel in the suspension system of the train in order to vertically lift a train car and then later release the train car to be supported by supports 11 (see col. 6, line 35-col. 7 line 34). The supports may be sloped to ease the loading and unloading of cargo. The train car does not pivot on its own. Instead, the platform supports 11 are positioned so that when the air is released from

pneumatic cylinders 17 of the suspension system the train car's platform is sloped (i.e., drops into place).

The train car's platform is not maintained at a same level as the permanent platform and does not maintain a same level by being self-supporting and independent from the permanent platform. Instead, Nijenhuis requires the structure at the permanent platform.

As recited in claim 15, the portable platform in accordance with the present claims is self-supporting and independent from the permanent platform for maintaining the same level. Nijenhuis does not teach or suggest this. Coslovi and/or Coath fail to cure this deficiency as both references do not provide a portable platform that is self-supporting and independent from the permanent platform for maintaining a same level.

One of the advantageous of the present invention is that the invention can be moved to a location and adjusted horizontal and vertically to provide an appropriate level and lateral distance to a platform. This is performed independently from the permanent platform.

The portable platform is self-supporting and independent from the permanent platform for maintaining the same level. This corresponds to the fact that the portable platform can be brought in for use without having to reconfigure the permanent platform or other structure at a station or other location. The cited combination fails to disclose or suggest at least these features.

The Examiner stated that NIJENHUIS ALONE DOES NOT INCLUDE THE POSITIONING SYSTEM AS CLAIMED, BUT NIJENHUIS, AS MODIFIED IN VIEW OF COATH INCLUDES A HORIZONTAL PIVOT AND SPRINGS THAT PERMIT HORIZONTAL AND VERTICAL ADJUSTMENTS AND ALLOW THE PLATFORM TO BE

MAINTAINED AT THE SAME LEVEL, AS BROADLY CLAIMED. The Applicant disagrees for at least the following reasons.

Claim 15 also recites, *inter alia*, a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level.

In accordance with the present specification, “system 10 includes a framework 22, which supports [portable] platform 20 and provides vertical and horizontal adjustment of platform 20 to set its height and lateral displacement” page 7, lines 5-7. In addition at page 8, line 23, the specification states: “Platform 20 may be slid transversely in the direction of arrow A [horizontally] on upper members 31 of the trolley 24 until the proper alignment with an adjacent transport track 14 or vehicle 33 is achieved. Vertical adjustments are made to permit vehicle 33 to be level with platform 20. Horizontal and vertical positioning of platform 20 may be performed using positioning system 35.” [Brackets added].

Coath shows a steering pivot but fails to cure the deficiencies of Nijenhuis. Coath does not move or provide structure capable of adjusting the horizontal (lateral) translation of a train car. Coath is directed to a wheel flange and king bolt that assists in making turns. The wheel axle is permitted to rotate relative to the train car. This system provides for turns on a track, but does not in anyway teach or suggest: a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level. The pivot system does not provide horizontal displacement relative to the wheels. Instead, the wheels of Coath rotate about the king bolt relative to the truck body. This is completely different.

The spring system 17 of Nijenhuis is designed to translate the train car upward. Even if each side of the train car is vertically lifted by different amounts, there is no horizontal translation relative to the wheels, nor is there any structure for performing such a feature. Nijenhuis provides only a vertical displacement with a perhaps rotation but only as a result of the interference with the permanent platform or structures (e.g., supports 11, pistons 100) formed therein. In addition, the “same level” is not maintained across the car. Nijenhuis teaches providing an angle, which is contrary to the desired or goals of the present invention.

The cited combination of Nijenhuis, Coslovi and/or Coath fails to teach or suggest at least a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level. There is no horizontal adjustment taught or even contemplated in the cited combination that maintains the same level. That is there is nothing that moves the train car horizontally relative to the track or the wheels and maintains the same level. There is no positioning system coupled between the trolley and the portable platform as presently recited.

Claim 15 recites, *inter alia*, a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level. The portable platform is adjusted to be moved closer or further from a permanent platform and/or an active train car. Horizontal adjustment is performed on the portable platform from the trolley portion. Vertical adjustment can be provided to ensure that the portable platform can be set to the desired height.

The Examiner cited Coslovi to teach a safety fence. Notwithstanding Coslovi, the cited combination of Nijenhuis, Coslovi and/or Coath fails to teach or suggest all of the features of claim

15. Nijenhuis, Coslovi and/or Coath fail to disclose or suggest that the portable platform is self-supporting and independent from the permanent platform for maintaining the same level as described with respect to claim 15, and fail to disclose or suggest a positioning system coupled between the trolley and the portable platform to provide vertical and horizontal adjustment of the portable platform relative to the wheel system to maintain the same level.

Both horizontal and vertical adjustments of the portable platform are provided in claim 15 to maintain a same level relative to the permanent platform. The positioning system of claim 15 is not a suspension system. The suspension system is claimed in dependent claim 17 and is therefore distinguished from the positioning system.

It is therefore respectfully submitted that the combination of Nijenhuis, Coslovi and/or Coath fails to disclose or suggest the present invention as claimed. Claims 15-18 are believed to be in condition for allowance for at least the reasons stated.

By the Office Action, Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of Hogue; Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of Farmer; Claims 19 and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nijenhuis and Coslovi in view of Fowler.

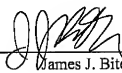
It is respectfully submitted that the combination of Nijenhuis in view of any or all of Coslovi, Hogue, Farmer, and Fowler fails to cure the deficiencies as set forth above. The cited combinations of references do not cure the deficiencies of Nijenhuis with respect to claim 15. Claims 19-20, 22-23 and 25 are believed to be in condition for allowance due at least to their dependency from claim 15. Reconsideration of the rejection is earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

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